

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

ELBY SHARON,

Plaintiff,

Case Number: 07-14253

v.

Hon. Arthur J. Tarnow  
Magistrate Judge: R. Steven Whalen

DIPIAZZA AND SONS INC., *et al.*,

Defendants.

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**ORDER GRANTING PLAINTIFF'S MOTION FOR ENTRY OF DEFAULT  
JUDGMENT [DE 24] and ORDER TO SHOW CAUSE**

Before the Court is Plaintiff's Motion for Entry of Default Judgment [DE 24], against Defendant Dipiazza & Mowett, Inc., filed pursuant to Fed. R. Civ. P. 55.

A clerk's entry of default was entered against Defendant Dipiazza & Mowett, Inc. on December 10, 2007. Defendant did not respond.

Plaintiff has requested entry of judgment in the amount of \$11,000 as exemplary damages. However, Plaintiff has failed to explain its basis for that amount. "Where damages are unliquidated a default admits only defendant's liability and the amount of damages must be proved." *Antoine v. Atlas Turner, Inc.* 66 F.3d 105, 110 (6th Cir. 1995) (citing *Fehlhaber v. Fehlhaber*, 681 F.2d 1015, 1026 (5th Cir.1982) (*en banc*), *cert. denied*, 464 U.S. 818 (1983); *Kelley v. Carr*, 567 F.Supp. 831, 841 (W.D.Mich.1983)).

The Court being satisfied that the requirements for a default judgment have been met,

IT IS HEREBY ORDERED that Plaintiff's Motion for Entry of Default Judgment is GRANTED.

IT IS FURTHER ORDERED that Plaintiff must show cause by June 18, 2008, as to the basis for its \$11,000 damages request.

SO ORDERED.

S/ARTHUR J. TARNOW

Arthur J. Tarnow  
United States District Judge

Dated: May 30, 2008

I hereby certify that a copy of the foregoing document was served upon counsel of record on May 30, 2008, by electronic and/or ordinary mail.

S/THERESA E. TAYLOR

Case Manager